

# HOUSE BILL REPORT

## HJM 4036

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**As Reported by House Committee On:**  
Commerce & Labor

**Brief Description:** Requesting congress to enact the employee free choice act and to oppose the national security personnel system.

**Sponsors:** Representatives Conway, Ormsby, Dickerson, Green, Chase, Wood, Morrell, Sells, Appleton, McDermott, Cody, Simpson, Hasegawa and Hudgins.

**Brief History:**

**Committee Activity:**

Commerce & Labor: 2/1/06 [DP].

**Brief Summary of Bill**

- Petitions the Congress to enact the Employee Free Choice Act to protect workers' rights to organize.
- Petitions the Congress to oppose the federal National Security Personnel System.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Hudgins, Kenney and McCoy.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Crouse.

**Staff:** Chris Cordes (786-7103).

**Background:**

Collective Bargaining Rights

In 1948, the General Assembly of the United Nations (UN) adopted the Universal Declaration of Human Rights. Among the declaration statements in Article 23 are statements that everyone has the right to work, to free choice of employment, and to just and favorable conditions of work, and the right to form and join trade unions for the protection of the worker's interests.

In the private sector in the United States, collective bargaining rights are generally governed by the federal National Labor Relations Act (NLRA). The NLRA states that workers under its

jurisdiction have, among other rights, the right to self-organization, to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing, and also have the right to refrain from such activities subject to certain limits. These provisions are administered and enforced by the National Labor Relations Board.

Bills introduced in the U.S. Congress in 2005 included S. 842 and H.R. 1696, both to be cited as the "Employee Free Choice Act." These bills would make a number of changes to the NLRA, including allowing union certification on the basis of card authorizations designating a union as the bargaining representative, requiring binding arbitration if the parties are unable to agree on an initial contract after 90 days of bargaining, and increasing penalties against employers for violations of worker rights when employees are attempting to organize a union or to negotiate a first contract.

### National Security Personnel System

In 2004 the National Defense Authorization Act authorized the Department of Defense (DOD) to modify the personnel system that applies to defense civilian employees. The scope of the new National Security Personnel System (NSPS) includes a pay, classification, and performance management system, an appeals process, and a labor relations system. To implement the NSPS, the DOD was exempted from various federal civilian personnel management laws. Final rules were published November 1, 2005, and the NSPS is expected to be phased in over several years. On November 17, 2005, after a lawsuit was filed challenging parts of the NSPS, the DOD agreed to delay implementation of changes in labor-management relations, appeals, and other related topics until no earlier than February 1, 2006.

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### **Summary of Bill:**

The Washington Legislature requests the U.S. Congress to enact the Employee Free Choice Act of 2003, or substantially similar legislation, based on legislative findings, including that the United Nations has adopted labor standards under the Declaration of Human Rights, worker rights in the United States are increasingly eroded according to reports of Human Rights Watch, and federal law does not provide effective remedies in certain circumstances including where all workers have signed union authorization cards, yet employers may refuse to recognize the union, and where there are delays in reaching an initial contract.

The Washington Legislature also requests the U.S. Congress to oppose the National Security Personnel System and similar regulations proposed for federal civilian workers at the Department of Homeland Security and other federal agencies, based on legislative findings that (1) public sector unions are in the public interest because they cause wages and living standards to rise and they monitor the federal government, protecting the interests of taxpayers and clients, (2) the proposed personnel regulations threaten to remove fundamental collective bargaining rights provided to federal sector unions, and (3) public services will suffer if public servants feel less able to expose public waste, fraud, or abuse that harms taxpayers and clients.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Testimony For:** The bill should be enacted and sent to the Congress. There are many concerns among federal government workers about the National Security Personnel System. It eliminates many rules and institutes "crony" pay instead of pay based on performance. It allows the agency to unilaterally override collective bargaining agreements and sends labor-management disputes to an internal board appointed by the agency. There are no safeguards against lowering workers' pay, and this will result in reduced pay for many Washington workers. Ultimately, civilian workers will be competing against military workers. Public employees need to be free of political tyranny, because these workers are one of the checks and balances in the system.

**Testimony Against:** None.

**Persons Testifying:** Jeff Johnson, Washington State Labor Council; and Gerald Swanke, American Federation of Government Employees.

**Persons Signed In To Testify But Not Testifying:** None.